



PA 19-151—sSB 1055

Judiciary Committee

AN ACT ESTABLISHING A TASK FORCE TO STUDY THE JUROR SELECTION PROCESS, PROVIDING ACCESS TO CERTAIN RECORDS POSSESSED BY THE DEPARTMENT OF MENTAL HEALTH AND ADDICTION SERVICES, CONNECTICUT VALLEY HOSPITAL AND THE PSYCHIATRIC SECURITY REVIEW BOARD, AND CONCERNING SENTENCING OF PERSISTENT LARCENY OFFENDERS AND CONFIDENTIALITY UPON APPLICATION TO A DIVERSIONARY PROGRAM

SUMMARY: This act makes various changes to laws on criminal procedure and related statutes. It:

1. establishes a 15-member task force to study the state's juror selection process;
2. establishes conditions under which the Department of Mental Health and Addiction Services (DMHAS) must provide the attorney for an acquittee (i.e., a person found not guilty by reason of mental disease or defect) the right to review certain images or recordings of the acquittee;
3. limits the persistent larceny offender law to only those defendants whose two prior convictions are for larceny committed within 10 years of the present larceny, and reduces the possible sentence enhancement under that law; and
4. requires courts to seal the records of defendants when they apply for certain pretrial diversionary programs, rather than later in the process as under prior law.

EFFECTIVE DATE: Upon passage, except the provision on persistent larceny offenders takes effect October 1, 2019.

§ 1 — JURY SELECTION TASK FORCE

The act establishes a 15-member task force to study jury selection in the state to determine whether (1) current processes result in a fair cross-section of the community being summoned for jury duty and (2) a fair cross-section of the community appears for jury service. The study's objective is to ensure that the state's selection processes encompass a full and fair representation of the community.

The task force may (1) collect statistics and conduct data analysis of jurors appearing for jury service, (2) review other jurisdictions' juror selection processes and procedures, and (3) conduct research consistent with the study's objectives.

Under the act, the task force consists of the following individuals or their designees:

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1. the chief court administrator, chief state's attorney, chief public defender, attorney general, and jury administrator;
2. the presidents of the Connecticut Bar Association, South Asian Bar Association of Connecticut, George W. Crawford Black Bar Association, Connecticut Hispanic Bar Association, Connecticut Asian Pacific American Bar Association, Portuguese Bar Association of Connecticut, and Connecticut Italian-American Bar Association; and
3. the deans of UConn School of Law, Quinnipiac University School of Law, and Yale Law School.

The act requires task force appointments to be made within 30 days after the act's passage. The appointing authority fills any vacancy.

The chief court administrator must select the task force chairpersons from among its members. The chairpersons must schedule the first task force meeting, to be held within 60 days after the act's passage. The Judiciary Committee's administrative staff serves in that capacity for the task force.

By July 1, 2020, the task force must report to the Judiciary Committee and the chief court administrator on its findings and recommendations, which may include legislative recommendations to enhance how juries reflect the community. The task force terminates on the date it submits the report or July 1, 2020, whichever is later.

§ 2 — ACQUITTEE IMAGES AND RECORDINGS

The act establishes conditions under which DMHAS must provide an acquittee's attorney the right to review certain images or recordings of the acquittee.

These provisions apply to (1) acquittees under the jurisdiction of the Psychiatric Security Review Board (PSRB) who are being treated at a DMHAS inpatient facility and (2) the photographs and video and audio recordings of an acquittee, taken within the facility or on its property and stored on any device. Subject to the conditions below, the acquittee's attorney has the right to review these images or recordings in any matter before the PSRB or Superior Court related to the PSRB's jurisdiction.

To review the images or recordings, the attorney must send a written request to the facility's director. The director must allow this review to occur within 30 days after receiving the request, as long as the:

1. acquittee, and any other identifiable patient in the image or recording, consents;
2. review complies with specified existing law on PSRB hearings (CGS § 17a-596(d)); and
3. image or recording is not the subject of a pending local or state criminal investigation, including one by DMHAS agency police, for which there is a record of an investigation or pending prosecution.

The act requires DMHAS, when granting the attorney access to the images or recordings, to comply with all other state laws and federal laws and regulations on record confidentiality and protected health information for psychiatric patients. It

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also specifies that these images and recordings remain DMHAS property and must be used and maintained in compliance with all applicable state and federal laws and regulations.

§ 3 — PERSISTENT LARCENY OFFENDERS

The persistent larceny offender law allows courts to impose sentence enhancements on certain defendants with at least three larceny convictions. It applies to defendants awaiting sentencing for 4th, 5th, or 6th degree larceny who have two separate, prior larceny convictions. The act limits this law to defendants with two prior convictions committed within 10 years of the present larceny.

Under prior law, if the defendant was classified as a persistent larceny offender, the court could impose the prison sentence for a class D felony (i.e., up to five years) rather than the standard sentence for the crime. For cases where the defendant commits the present larceny crime on or after October 1, 2019, the act instead gives courts the option to impose the prison sentences shown in the table below.

The Act's Allowable Sentence Enhancements for Persistent Larceny Offenders

<i>Present Conviction</i>	<i>Standard Prison Sentence</i>	<i>Act's Allowable Alternative Prison Sentence</i>
4 th degree larceny (class A misdemeanor)	Up to one year	Sentence for a class E felony (up to three years)
5 th degree larceny (class B misdemeanor)	Up to six months	Sentence for a class A misdemeanor (up to one year)
6 th degree larceny (class C misdemeanor)	Up to three months	Sentence for a class B misdemeanor (up to six months)

§§ 4-6 — RECORD SEALING UPON APPLICATION FOR CERTAIN DIVERSIONARY PROGRAMS

The act requires the court to seal a defendant's records from the public when the defendant applies for the pretrial alcohol education, pretrial drug education and community service, or school violence prevention programs.

Under prior law, the records were sealed when the defendant paid the required program fees and stated certain matters under oath about his or her eligibility in open court or before someone designated by the court clerk, as applicable based on the program involved. The act keeps the existing requirement for defendants to state such matters under oath and pay any applicable fees, but it is no longer a prerequisite to sealing the records.